

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

SECOND SUPPLEMENTAL DECLARATION OF KENT A. YALOWITZ

Kent A. Yalowitz hereby declares as follows:

1. I am a member of the bar of this Court and of the Arnold & Porter law firm. I serve as counsel for Plaintiffs in the above-captioned case. I make this second supplemental declaration to place additional documents and information before the Court relevant to the issue of defendants' consent to the exercise of personal jurisdiction in this case under the Promoting Security and Justice for Victims of Terrorism Act, Pub. L. No. 116-94, § 903 (PSJVTa).

A. Consent Under Subparagraph (1)(A)

2. In 2021, the State Department delivered to Congress a "Report to Congress Regarding Palestinian Payments for Acts of Terrorism" (the "2021 Taylor Force Act Report"). This report states that it was provided by the State Department to Congress pursuant to the Taylor Force Act, which imposes a legal duty on the State Department to report to Congress every 180 days about Palestinian payments for acts of terrorism. Pub. L. 115-141, div. S, title X, § 1004(e) (codified at 22 U.S.C. § 2378c-1(e)).

3. The 2021 Taylor Force Act Report includes the following statements about the PLO and PA current as of the beginning of 2021:

- a. “the PA has not terminated payments for acts of terrorism to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such acts of terrorism, including to a family member of such individuals.” (Ex. A. p. 1.)
- b. “the PA has not revoked any law, decree, regulation, or document authorizing or implementing the system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual imprisoned for an act of terrorism to determine the level of compensation paid, or have taken comparable action that has the effect of invalidating any such law, decree, regulation, or document.” (Ex. A, pp. 1-2.)
- c. “President Abbas pledged in a November 10, 2020, televised address ‘to remain loyal to the souls of martyrs, the blood of injured, and the sufferings of prisoners,’ saying ‘we will not abandon them, whatever the sacrifices.’” (Ex. A, p. 2.)
- d. “The PLO ... with the support of the PA, provides financial assistance to these families.” (Ex. A p. 4.)

B. Consent Under Subparagraph (1)(B)

Press Conferences and Informational Materials

4. On January 31, 2020, Riyad Mansour, Palestinian Ambassador to the United Nations, gave an interview to National Public Radio. A copy of NPR’s transcript of the interview is attached as Exhibit B (also available at <https://www.npr.org/2021/01/31/962529016/palestinian-ambassador-riyad-mansour-on-renewed-diplomatic-relations-with-the-u->). According to the tran-

script, Ambassador Mansour criticized the policies of the Trump administration (“These policies created so much damage to the aspirations of the Palestinian people...”) and expressed a desire to “hav[e] our office reopened in Washington, D.C.” as well as “reopening the United States consulate in East Jerusalem.” Ex. B.

5. On April 6, 2021, Defendants’ twitter feed published a trailer for a film about surfing in Gaza. A copy is attached as Exhibit C.

6. On April 7, 2021, Defendants’ twitter feed published a link to a statement by U.S. Secretary of State Antony Blinken concerning financial assistance, including the statement “U.S. foreign assistance for the Palestinian people serves important U.S. interests and values.” A copy is attached as Exhibit D.

7. Also on April 7, 2021, Ambassador Mansour gave an interview to Voice of America. A copy of the VOA article quoting Ambassador Mansour is attached as Exhibit E (also available at <https://www.voanews.com/middle-east/us-resumes-aid-palestinians-235-million>). The article quotes Ambassador Mansour, speaking about U.S. foreign assistance, as follows: “This would be a very needed, significant amount of money to address the challenges that UNRWA is facing.” Ex. E.

8. On April 27, 2021, Defendants’ twitter feed published a three-minute video and a link to a report by a non-governmental organization asserting that “Israeli officials are committing the crimes of apartheid and persecution.” A copy (shown at the beginning of the video) is attached as Exhibit F.

9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2021



Kent A. Yalowitz